

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

DARRYN W. BAKER,	)	
	)	No. CV-09-03040-CI
Plaintiff,	)	
	)	
v.	)	ORDER GRANTING STIPULATED
	)	MOTION FOR REMAND PURSUANT
MICHAEL J. ASTRUE,	)	TO SENTENCE FOUR OF 42
Commissioner of Social	)	U.S.C. 405(g)
Security,	)	
	)	
Defendant.	)	

BEFORE THE COURT is the parties' stipulated Motion for remand of the above-captioned matter to the Commissioner for additional administrative proceedings. (Ct. Rec. 31.) Attorney D. James Tree represents Plaintiff Darryn W. Baker; Special Assistant United States Attorney David R. Johnson represents Defendant. The parties have consented to proceed before a magistrate judge. (Ct. Rec. 8.) After considering the stipulation of the parties,

**IT IS ORDERED:**

1. The parties' stipulated Motion for Remand (**Ct. Rec. 31**) is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, a different administrative law judge (ALJ) will:

- a. Re-contact Dr. Hartman for clarification of her opinion as previously ordered, document the file to show what re-contact efforts are made, and document the file with all

- 1 responses and/or lack of responses;
- 2 b. Reevaluate the medical evidence from Dr. Hartman and Dr.
- 3 Mabee and incorporate the relevant limitations and
- 4 abilities into a residual functional capacity finding or
- 5 provide specific explanation and reasoning for the weight
- 6 given to their opinions;
- 7 c. Re-assess the Plaintiff's mental residual functional
- 8 capacity providing supporting rational for the assessed
- 9 limitations;
- 10 d. Obtain testimony from a medical expert in internal
- 11 medicine or other appropriate specialty to clarify whether
- 12 onset of disability could be inferred to have occurred
- 13 prior to January 1, 2010 (the currently established
- 14 disability onset date), either due to the claimant's liver
- 15 disease meeting or equaling the Listing 5.05 or due to his
- 16 combination of impairments meeting or equaling another
- 17 Listing prior to January 1, 2010, after the effects of
- 18 drug abuse and alcoholism are separated out;
- 19 e. If Plaintiff does not meet or equal a Listing, consult the
- 20 medical expert to aid in assessing the limitations that
- 21 result from the claimant's impairments;
- 22 f. Obtain supplemental testimony from a vocational expert and
- 23 ascertain whether the vocational expert's testimony is
- 24 consistent with information in the DICTIONARY OF OCCUPATIONAL
- 25 TITLES;
- 26 2. The ALJ will perform any further development and conduct
- 27 further proceedings deemed necessary. The ALJ and Plaintiff may
- 28 also raise and pursue additional issues, including any discussed in

1 Plaintiff's brief.

2 3. Judgment shall be entered for the **PLAINTIFF**.

3 4. Plaintiff's Motion for Summary Judgment (**Ct. Rec. 25**) is  
4 dismissed as moot.

5 5. An application for attorney fees may be filed by separate  
6 motion.

7 The District Court Executive is directed to enter this Order,  
8 forward copies to counsel, and thereafter shall close this file.

9 DATED June 29, 2010.

10  
11 S/ CYNTHIA IMBROGNO  
12 UNITED STATES MAGISTRATE JUDGE  
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